

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2007 SEP 14 P 2:32

ROSA CLARK,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

CLERK

SO. DIST. OF GA.

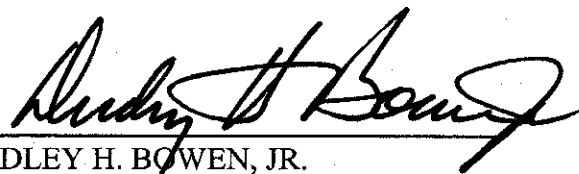
CIVIL ACTION NO. CV107-052

ORDER

Pursuant to the power of this Court to enter a judgment affirming, modifying or reversing the Commissioner's decision with remand in Social Security actions under sentence four of section 205(g) of the Social Security Act, 42 U.S.C. §405(g), and in light of the government's request to remand this action for further agency action, it is ordered that this matter be remanded to the Appeals Council, so that it may issue a an order remanding this case to an ALJ. The ALJ can (1) seek clarification from treating sources (and/or a consultative examination) as to the specific findings that warrant (or discredit) a diagnosis of fibromyalgia, (2) if necessary, obtain medical expert testimony as to all exertional and non-exertional limitations that might be appropriate, given all plaintiff's adequately documented medical impairments, (3) as appropriate, based on the additional development, make new findings as to plaintiff's credibility and residual functional capacity, making sure that medical findings and opinions are weighed in accordance with SSA regulations and policies, and (4) if necessary, obtain vocational expert testimony as to suitable jobs for plaintiff, given her vocational profile and all her exertional and nonexertional limitations.

Therefore, this Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. §405(g) with a remand of the cause to the Commissioner for further proceedings, as specified above. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonian v. Sullivan, 501 U.S. 89 (1991). The clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 14th day of Sept., 2007.


DUDLEY H. BOWEN, JR.
UNITED STATES DISTRICT JUDGE